

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3028

Introduced by Assembly Member Laird

February 24, 2006

An act to add Section 31410 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 3028, as amended, Laird. California Coastal Trail.

Existing law requires the State Coastal Conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail. Existing law requires each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas, to the extent feasible, and consistent with their individual mandate, to cooperate with the conservancy with respect to planning and making lands available for completion of the trail.

This bill would authorize a state agency providing funding for or issuing a permit for a development project undertaken by a public agency that is located near the California Coastal Trail, as specified, to condition the funding or the issuance of the permit upon the public agency accommodating development of the California Coastal Trail or providing public access from the trail to the coast. *The bill would specify circumstances under which that authorization would not apply.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Coastal Act of 1976 required local
- 4 jurisdictions to identify an alignment for the California Coastal
- 5 Trail in their local coastal plans to be, ideally, continuous and
- 6 located along the shoreline.
- 7 (b) In 1999, the Governor designated the California Coastal
- 8 Trail as California's Millennium Legacy Trail.
- 9 (c) In 1999, the White House Millennium Trail Council
- 10 encouraged federal agencies to assist in the development of the
- 11 California Coastal Trail.
- 12 (d) ACR 20 of the 2001–02 Regular Session of the Legislature
- 13 declared the California Coastal Trail to be an official state trail
- 14 and urged the State Coastal Conservancy and the *California*
- 15 Coastal Commission to work collaboratively to complete the
- 16 trail.
- 17 (e) SB 908 of the 2001–02 Regular Session of the Legislature
- 18 (SB 908) required the State Coastal Conservancy, in consultation
- 19 with the Department of Parks and Recreation and the California
- 20 Coastal Commission, to coordinate the development of the
- 21 California Coastal Trail.
- 22 (f) SB 908 authorized the State Coastal Conservancy to award
- 23 grants and provide assistance to public agencies and nonprofit
- 24 organizations to establish and expand inland trail systems that
- 25 may be linked to the California Coastal Trail.
- 26 (g) SB 908 directed state entities with property interests or
- 27 regulatory authority in coastal areas, to the extent feasible, and
- 28 consistent with their individual mandate, to cooperate with the
- 29 State Coastal Conservancy with respect to planning and making
- 30 lands available for completion of the California Coastal Trail.
- 31 (h) SB 908 directed that the California Coastal Trail be
- 32 developed in a manner that demonstrates respect for property
- 33 rights; *and* nearby residential uses, and consideration for the
- 34 protection of the privacy of adjacent property owners.

SEC. 2. Section 31410 is added to the Public Resources Code, to read:

31410. (a) A state agency providing funding for or issuing a permit for a project described in *paragraph (2) of subdivision (c)* may condition the funding or the issuance of the permit upon the public agency accommodating development of the California Coastal Trail or providing public access from the trail to the coast.

(b) This section shall not apply under any of the following conditions:

(1) The project is exempt from coastal development permit requirements.

(2) The project does not qualify as a new development project for the purposes of Section 30212.

(3) The state agency providing funding or issuing the permit has determined that a superior alternative exists for the uncompleted California Coastal Trail or access to the coast.

(4) The public agency would be required to invoke eminent domain for the purposes of this section.

~~(e) For the purposes of this section, "project" means a~~

(c) For the purposes of this section, the following definitions apply:

(1) "Accommodating development" means providing dedicated easements, rights of way, or other means to provide public access to the trail.

(2) "Project" means a development project undertaken by a public agency that is located adjacent to or along an uncompleted portion of the California Coastal Trail, that could provide public access to the trail, or that could provide public access from the trail to the coast.